



**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/737,138	12/14/00	BREED	ATT-259

022846  
BRIAN ROFFE, ESQ  
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PM11/0710

EXAMINER

TU, I

ART UNIT

PAPER NUMBER

3619

DATE MAILED: 07/10/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

<b>Interview Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/737,138	BREED ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Toan C To	3619	

All participants (applicant, applicant's representative, PTO personnel):

- (1) Toan C To. (3)\_\_\_\_\_.
- (2) Mr. Brian Roffe. (4)\_\_\_\_\_.

Date of Interview: 09 July 2001.

Type: a) ☒ Telephonic b) ☐ Video Conference  
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☐ No.  
If Yes, brief description:

Claim(s) discussed: 1-41.

Identification of prior art discussed: 6,186,537; 5,653,462; 5,829,782; 6,039,139.

Agreement with respect to the claims f) ☒ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

i) ☐ It is not necessary for applicant to provide a separate record of the substance of the interview(if box is checked).

Unless the paragraph above has been checked, THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

  
\_\_\_\_\_  
Examiner's signature, if required

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: The examiner indicated that claims 1-41 of the instant application should be rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-9 of U.S. Patent No. 6,186,537, claims 1-21 of U.S. Patent No. 5,653,462, claims 1-25 of U.S. Patent No. 5,829,782, and claims 1-25 of U.S. Patent No. 6,039,139. The examiner further suggests that a Terminal Disclaimer is required to overcome the double patenting rejection. As agreed by Mr. Brian Roffe, applicant's attorney, a Terminal Disclaimer of multiple prior patents indicated above will be filed for the purpose of overcoming a judicially created double patenting rejection as set forth above in order to place the application in condition for allowance.